

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
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Gangtok

Wednesday 16th February, 2022

No. 29

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No. 09/Home/2022

Dated: 04/02/2022

NOTIFICATION

The State Government is pleased to lay down the guidelines to assess the damages caused to the public and private properties in the name of agitations, bands, hartals etc in compliance to the Hon'ble Supreme Court Judgment dated April 16, 2009 passed in Writ Petition (Criminal) No. 77 of 2007 with Writ Petition (Criminal) No. 73 of 2007, In Re: Destruction of Public and Private Properties vs. State of Andhra Pradesh and others {(2009) 5 Supreme Court Cases 212} for compliance by all the concerned which are as under:-

- (I) Wherever a mass destruction of public and private property takes place due to protests/ hartal/ agitations, bands or thereof, the State Government may appoint a Claims Commissioner to investigate the damages caused to the public and private properties.
- (II) The State Government may appoint any officer not below the rank of Secretary to the Government as Claims Commissioner to estimate the damages and investigate liability and to award the compensation.
- (III) The State Government may also appoint an Assessor to assist the Claims Commissioner
- (IV) The Claims Commissioner and the Assessor may summon the existing video or other recordings from private and public sources to pinpoint the damages and establish nexus with the perpetrators of the damages.
- (V) The principles of absolute liability shall apply once the nexus with the event that precipitated the damage is established.
- (VI) The liability will be borne by the actual perpetrators of the crime as well as the organisers of the event giving rise to the liability to be shared.
- (VII) The Claims Commissioner may award the damages to an extent and not greater than twice the amount of the damages liable to be paid.
- (VIII) The Claim Commissioner and the assessor shall assess the damages for : (i) damages to public property; (ii) damages to private property; (iii) damages causing injury or death to

a person or persons; and (iv) cost of actions by the authorities and police to take preventive and other actions.

(IX) The Claims Commissioner shall submit a report to the State Government.

By order and in the name of Governor,

R. Telang, IAS
Principal Secretary to the Government of Sikkim,
Home Department,
File No.Home/Confdl/112/2019/72